

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| Connect America Fund |) | WC Docket No. 10-09 |
| |) | |
| Wireline Competition Bureau Seeks Comment on |) | |
| Procedures to Identify and Resolve Location |) | |
| Discrepancies in Eligible Census Blocks Within |) | |
| Winning Bid Areas |) | |

COMMENTS OF COMMNET WIRELESS, LLC

Commnet Wireless, LLC (“Commnet”), by and through its parent company ATN International, Inc. (“ATN”) submits these comments on the Wireline Competition Bureau’s public notice seeking comment on resolving location discrepancies for Connect America Fund (“CAF”) Phase II auction winners.¹

Commnet was announced as a winning bidder in six states in the CAF Phase II auction (Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming). The areas that Commnet won are all extremely rural and many of them are located on Tribal Reservation lands. Commnet provides service using fixed wireless technology on licensed spectrum.

As discussed in more detail below, the Bureaus should not require support recipients such as Commnet using spectrum-based technologies to use the process described in the Public Notice, which was clearly designed with wireline facilities in mind. Wireless carriers should be permitted to demonstrate the required level of service to the areas in which they were the winning bidders using industry-standard propagation models, and should be permitted to do so

¹ *Wireline Competition Bureau Seeks Comment on Procedures to Identify and Resolve Location Discrepancies in Eligible Census Blocks Within Winning Bid Areas*, Public Notice, DA 18-929 (rel. Sept. 10, 2018) (“Public Notice”).

for purposes of this process. To the extent that the Commission requires location-specific showings, the process must account for areas such as Tribal Lands where standard street addresses are not available and commercial geocoding data are scant and unreliable. The process also should not impose excessive burdens on support recipients or other stakeholders.

I. THE PROPOSED PROCESS IS DESIGNED FOR FIXED NETWORKS; SPECTRUM-BASED PROVIDERS SHOULD BE PERMITTED TO MAKE AN ALTERNATIVE SHOWING

The Bureau's proposed process for auction support recipients to identifying and resolving location discrepancies is designed for wireline providers and does not meet the needs of auction winners such as Commnet and others that are using spectrum-based technologies to deliver service. Auction winners using spectrum-based technology should be permitted instead to demonstrate qualifying service to their supported areas using industry standard propagation analysis.

The process described in the Public Notice may work well for providers deploying fixed networks, such as fiber, that must deploy specific facilities to very specific locations in order to meet their CAF Phase II service obligations. For such a provider, there is a very direct connection that must be drawn between the facilities deployed and the locations served, given that fiber cable must be built to serve a specific location. This type of analysis is integral to fixed providers' regular network planning and aligns directly with the actual construction projects that a fixed provider will undertake in order to fulfill its CAF Phase II service obligations.

In contrast, for a fixed wireless provider such as Commnet, the process of ensuring service to locations in a particular area involves a very different kind of network planning. Wireless providers must secure tower siting to serve a given area, either by locating placement on existing towers or siting new towers as needed to serve an area. This process is never entirely within the wireless provider's control given uncertainties about the locations of existing towers,

the availability of rights-of-way, and limitations on potential sites where a new tower could be placed. In any event, however, the provider will ensure that it is siting towers and placing transmitter facilities that are sufficient to ensure that coverage within the designated area is sufficient to provide a specific level of service to the locations it is required to serve.

The process for identifying location discrepancies should recognize the differences between the network design processes for different types of broadband technologies. Specifically, auction winners using fixed wireless technology should be permitted to demonstrate, using recognized propagation analysis, that they provide qualifying service to the areas where they are the winning bidder.² Auction winners that are able to do so should not be required to otherwise identify specific locations where they are providing service or seek to modify the number of locations in these areas as identified in the CAM.

II. IF THE COMMISSION REQUIRES SUBMISSION OF LOCATION-SPECIFIC DATA, THE PROCESS MUST ACCOUNT FOR THE LIMITED DATA AVAILABLE IN TRIBAL AND REMOTE AREAS AND MINIMIZE BURDENS

To the extent that winning bidders are required to provide location-specific data to demonstrate the service to locations in their service areas, the requirements must adequately account for the limitations on the data that are available in rural and remote areas such as Tribal areas, and avoid imposing excessive burdens on auction winners.

Many of the areas that Commnet won in the CAF Phase II auction are located on Tribal Lands where information regarding specific residential and business locations is scant. In most Tribal areas, no standard street addresses are used. In addition, commercial geocoding information in these areas is often unavailable, and where it exists it is often unreliable. As a

² This approach would *not* entail allowing any winning bidders “to count toward meeting its deployment obligation locations that do not exist.” *Connect America Fund*, Order on Reconsideration, 33 FCC Rcd 1380, 1392 ¶ 28 (2018). Fixed wireless providers would be required to build out to fully serve the census blocks that they have won.

result, winning bidders in such areas will face significant challenges in identifying the presence or absence of specific residential or small business locations.

In no event should the scarcity of publicly available data regarding locations in these remote and hard-to-serve areas result in greater burdens being imposed upon winning bidders to identify specific locations. In particular, winning bidders that must serve Tribal and other remote areas where standard street addresses and commercial geocode information are not available should not be required to perform GPS field research or present photographic evidence.³ These types of areas are already the costliest to serve. Imposing additional costs on winning bidders in these areas is directly contrary to the Commission's universal service goals. Instead, winning bidders in such areas should be permitted to rely on geocoded location data from reliable third-party vendors, and should not be required to verify more than a statistically significant percentage of the location data obtained from such vendors.

III. CONCLUSION

The Commission should permit winning bidders using fixed wireless technology to identify the areas where they provide qualifying service using standard engineering propagation models rather than having to prove up specific location information. To the extent that location-specific information is required, the standards must recognize the paucity of information that is available in Tribal areas and other extremely remote areas where standard addresses are not used and commercial geolocation data is unreliable or non-existent.

³ Public Notice at ¶ 12.

Respectfully submitted,

COMMNET WIRELESS, LLC

by its parent company ATN International, Inc.

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